

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CLARENCE D JOHNSON, JR,

Plaintiff,

v.

JUDGE KILBERT, et al.,

Defendants.

Case No. C21-593RSM

ORDER REVOKING IN FORMA
PAUPERIS ON APPEAL

This matter comes before the Court on a referral from the Ninth Circuit Court of Appeals to determine whether in forma pauperis (“IFP”) status should continue on appeal. Dkt. #17. Pro se Plaintiff Clarence D. Johnson, Jr. was granted leave to proceed in forma pauperis in this matter on May 25, 2021. Dkt. #7.

Where, as here, a party was permitted to proceed IFP in the District Court, the party may proceed on appeal in forma pauperis without further authorization unless the District Court certifies in writing that the appeal is not taken in good faith or that the party is not otherwise entitled to proceed IFP. Fed. R. App. P. 24(a)(3); 28 U.S.C. § 1915(a)(3) (“An appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith.”). An appeal is taken in “good faith” where it seeks review of at least one issue or claim that is found to be “non-frivolous.” *Hooker v. American Airlines*, 302 F.3d 1091, 1092 (9th Cir. 2002). An issue is “frivolous” where it “lacks an arguable basis either in law or in fact.”

1 *Neitzke v. Williams*, 490 U.S. 319, 325 (1989). Legally frivolous claims are those “based on an
2 indisputably meritless legal theory,” such as claims against defendants who are immune from
3 suit or for infringement of a legal interest that clearly does not exist. *Id.* at 327.

4 In this case, Mr. Johnson brings suit against “Judge Kilbert,” and “Queen Elizabeth”
5 using a form complaint. Dkt. #8. For “Statement of Claim,” he has written only “judicial
6 kidnapping see agent Byear FBI,” followed by what appears to be a case number. *Id.* at 5. For
7 “Request for Relief,” he has written only “contact Cochran law firm” followed by a phone
8 number and “white house gov been served.” *Id.* at 6. He indicates that he has filed previous
9 lawsuits in federal court involving the parties “Queen Elizabeth Joe Biden Clarence D.
10 Johnson.” *Id.* at 4.

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13 On May 26, 2021, the Court issued an Order to Show Cause why this case should not be
14 dismissed as frivolous. Mr. Johnson failed to file a timely response. On June 21, 2021, the
15 Court issued an Order of Dismissal finding that Mr. Johnson’s Complaint fails to set forth a
16 claim for relief as required by Federal Rule of Civil Procedure 8(a), that “there are no coherent
17 citations to law or references to facts,” and that “[t]he opaque references to various public
18 figures throughout the filings indicate this case is frivolous on its face.” Dkt. #13. The Court
19 dismissed this case with a citation to 28 U.S.C. § 1915(e)(2)(B).
20

21 For the reasons set forth above, the Court believes that any appeal of this ruling
22 necessarily lacks an arguable basis in law or in fact. The Court cannot find that Plaintiff’s
23 appeal has been taken in good faith, and maintains that, by its assessment of the Complaint,
24 Plaintiff’s claims are clearly frivolous.
25

26 Accordingly, the Court hereby FINDS AND ORDERS that Plaintiff’s in forma pauperis
27 status is REVOKED.
28

DATED this 27th day of August, 2021.

A handwritten signature in black ink, appearing to read 'R. Martinez', is written over a horizontal line.

RICARDO S. MARTINEZ
CHIEF UNITED STATES DISTRICT JUDGE